FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.263 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Shiv Motriya for the petitioner.

Mr.A.S.Shitole, APP for the State.

Coram : R.S.Mohite,J

Date : 17.4.2006.

PC

1. Heard both sides. Rule. By consent rule made returnable forthwith.

2. This petition impugn's an order dated 7.1.2006 passed by the JMFC, Ajara rejecting an application under Section 311 of Cr.P.C. for re-calling the witnesses. The 2 witnesses in question i.e. Damu Bhogu Jadhav and Valu Umlu Rathod had come to give evidence in the Court from the adjoining Bijapur district. It appears that the Advocate for

the accused was absent and after their examination-in-chief was over in the absence of their Advocate, accused cross-examined these witnesses. Subsequently application for re-calling was made on the ground that the accused was lay person and was not being able to conduct cross-examination properly. Taking into account all these facts and in the interest of justice, subject to payment of bhatta of Rs.2000/- for both of these witnesses, the petition is allowed. The bhatta to be deposited in the trial Court within a period of 2 weeks from today. On the bhatta being deposited, the trial Court will summon these 2 witnesses. Amount of Rs.1000/- will be payable as attendance charges to each of these witnesses after they turn up for further cross-examination. Rule is made absolute in the aforesaid terms.

(R.S.Mohite,J)

(R.S.Mohite,J)